

**Notice of Allowability**

Application No.

09/785,611

Applicant(s)

OPALKA ET AL.

Examiner

Brian Swenson

Art Unit

3618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/04.
2. ☒ The allowed claim(s) is/are 12-19.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 8/28/03.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Parsons (Reg. # 32,713) on 2 February 2005.

The application has been amended as follows:

#### **IN THE CLAIMS:**

In **Claim 12** in lines 8 and 9 have been amended to read:

—positioning the decorative element loosely within the one of the forward and rearward legs: and—

In **Claim 14** in lines 4 through 9 have been amended to read:

—decorative elements including transparent tubular segments carrying loose decorative filler; and

a framework having windows and opposing footed and handled ends for supporting an individual and aiding the user in going on foot and adapted to removably accommodate each of the decorative elements so that they may be viewed through the windows. —

In **Claim 18** in lines 9 and 10 have been amended to read:

—decorative filling loosely carried within the at least one tubular segment.—

***Allowable Subject Matter***

Claims 12-19 allowed.


The following is an examiner's statement of reasons for allowance: the primary reason for the allowance of the claims in this case is an: ambulatory apparatus that contains a frame work for supporting an individual and aiding the user in ambulation where the frame work contains a hollow tubular segment, decorative filler is placed within the tubular segment and viewed through a window, in combination with the other elements recited not found in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

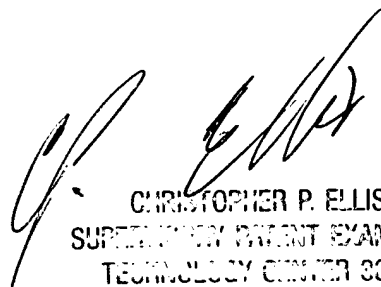
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7/1 -05

bls

Brian Swenson  
Examiner  
Art Unit 3618

  
CHRISTOPHER P. ELLIS  
SUPERVISING PATENT EXAMINER  
TECHNOLOGY CENTER 3600

APPENDIX A

1 ~~12.~~ In a framework of attached forward and rearward<sup>1</sup>  
hollow legs having upper ends, lower ends, handled structure<sup>2</sup>  
attached to the upper ends and feet each attached to one of<sup>3</sup>  
the lower ends, a method comprising steps of: <sup>4</sup>

providing a decorative element; <sup>5</sup>

providing at least one of the forward and rearward legs <sup>6</sup>  
with a window; <sup>7</sup>

positioning the decorative element <sup>LOOSELY</sup> within the one of the <sup>8</sup>  
forward and rearward legs; and <sup>9</sup>

securing the decorative element to the one of the forward  
and rearward legs so that the decorative element is capable of  
being viewed through the window.

2 ~~13.~~ The method of claim <sup>1</sup>~~12~~, wherein the step of  
providing a decorative element further includes the step of  
providing a transparent receptacle containing decorative  
filling.

~~3~~ 14. A kit of component parts capable of being assembled ' into a device for aiding a user in going on foot comprising a 2 combination of: 3

decorative elements including transparent tubular 4 segments carrying <sup>loose</sup> decorative filler; and 5

a framework having windows and opposing footed and 6  
 FOR SUPPORTING AN INDIVIDUAL AND AIDING THE USER IN GOING ON FOOT  
 handled ends and adapted to removably accommodate each of the 7  
 decorative elements so that they may be viewed through the 8  
 windows. 9

~~4~~ 15. The kit of claim ~~14~~ <sup>3</sup>, wherein the handled end comprises opposing handles, which are directed toward the footed end.

~~5~~ 16. The kit of claim ~~14~~ <sup>3</sup>, wherein the footed end is wheeled.

<sup>C</sup>~~17~~. The kit of claim <sup>3</sup>~~14~~, further including a storage bin adapted to be affixed to the framework.

<sup>7</sup>~~18~~. Ambulatory apparatus comprising:

a frame work having opposing handle and foot ends for <sup>2</sup> supporting an individual and aiding ambulation thereof; <sup>3</sup>

the framework including at least one tubular segment of <sup>4</sup> transparent material; <sup>5</sup>

at least one separate handle, for grasping by the <sup>6</sup> individual, coupled to and closing the handle end of the <sup>7</sup> framework; and <sup>8</sup>

decorative filling <sup>loosely</sup> carried within the at least one <sup>9</sup> tubular segment. <sup>10</sup>

<sup>8</sup>~~19~~. Ambulatory apparatus as claimed in claim <sup>7</sup>~~18~~ wherein the framework further includes:

at least one tubular member having a window therein;

the at least one tubular segment of transparent material carried within the at least one tubular member and visible through the window.